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Europäisches
Patentamt

Zweigstelle
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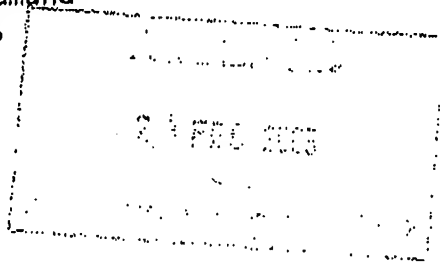
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Datum/Date

24.02.05

Zeichen/Ref./Réf. RSJ08055EP	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°. 02737178.0-2206-US0216552
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire NEXTEK POWER SYSTEMS, INC.	

COMMUNICATION

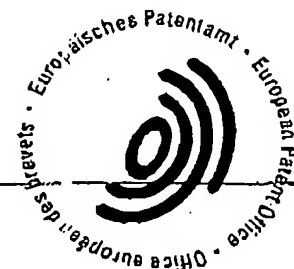
The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☒ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





European Patent
Office

SUPPLEMENTARY EUROPEAN SEARCH REPORT

Application Number
EP 02 73 7178

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X	US 6 118 228 A (PAL ET AL) 12 September 2000 (2000-09-12) * abstract * * column 3, line 20 - column 3, line 25; claim 1 * * column 4, line 50 - column 5, line 15; figures 1,7 *	1	H05B37/00 H05B37/02
A	US 5 471 119 A (RANGANATH ET AL) 28 November 1995 (1995-11-28) * the whole document *	1-41	
			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
			H05B
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			
Place of search Munich		Date of completion of the search 16 February 2005	Examiner Burchielli, M
CATEGORY OF CITED DOCUMENTS		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document	
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document			

2
EPD FORM 1503 03.02 (Pb4CD4)

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 02 73 7178

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report.
The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

16-02-2005

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 6118228	A	12-09-2000	WO 9713391 A1 AU 3575395 A	10-04-1997 28-04-1997
US 5471119	A	28-11-1995	NONE	

EPO FORM P0459

For more details about this annex : see Official Journal of the European Patent Office, No. 12/82



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DIAPYLED



Application No. 02 737 178.0 - 2206	Ref. RSJ08055EP	Date 16.08.2006
Applicant Nextek Power Systems, Inc.		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



Burchielli, M
Primary Examiner
for the Examining Division

Enclosure(s): 4 page/s reasons (Form 2906)



Bescheid/Protokoll (Anlage)	Communication/Minutes (Annex)	Notification/Procès-verbal (Annexe)
Datum Date 16.08.2006	Blatt Sheet Feuille 1	Anmelde-Nr.: Application No.: 02 737 178.0 Demande n°:

The examination is being carried out on the following application documents:

Description, Pages

1-11 as published

Claims, Numbers

1-41 filed with entry into the regional phase before the EPO

Drawings, Sheets

1/5-5/5 as published

I

The following document is mentioned in this communication; the numbering will be adhered to in the rest of the procedure:

D1: US-A-6 118 228 (PAL ET AL) 12 September 2000 (2000-09-12)

II

1. Two different annexes have been filed with entry into regional phase before the EPO. In particular:

- a) the first annex having a cover sheet with the title "EUROPEAN PATENT APPLICATION NO.02737178.0 ARTICLE 34 AMENDMENTS" and additional 8 pages numbered from page 12 to page 19 which contain the claims 1 to 40.
- b) the second annex having a cover sheet with the title "EUROPEAN PATENT APPLICATION NO.02737178.0 NEW PAGE TO BE CONSIDERED BY EXAMINER" and additional page 19 containing claim 39 (in part) and claims 40-41.

At the present stage they have been considered by the Examining Division all the claims in the first annex up to page 19, that is claims 1-40, plus the last claim of page 19 of the second annex, that is claim 41. The Applicants are requested in their next communication to mention clearly if they agree or not with the aforementioned way of proceeding.



Bescheid/Protokoll (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

Datum
Date
Date 16.08.2006Blatt
Sheet
Feuille 2Anmelds-Nr.:
Application No.: 02 737 178.0
Demanda n°:

2. Under Article 84 EPC in combination with Rule 29(2) EPC an application may contain more than one independent claim in a particular category only if the subject matter claimed falls within one or more of the exceptional situations set out in paragraphs (a), (b) or (c) of Rule 29(2) EPC. This is not the case in the present application because although claims 1, 11 and 15 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the wording used to define the subject-matter for which the protection is sought. In particular the independent claims 1, 11 and 15 refer all to *an electronic on/off switching system* for at least one ballast. The aforementioned claims therefore lack conciseness.

~~The Applicants are requested to file an amended set of claims which complies with Rule 29(2). Failure to do so, or to submit convincing arguments as to why the current set of claims does in fact comply with these provisions, will lead to refusal of the application under Article 97(1) EPC.~~

3. Independent claims 11 and 15 do not meet the requirements of Article 84 EPC, clarity, for the following reasons:

3.1 It appears that claim 11 attempts to define the circuit as shown in figure 2 and in pages 7-9 of the description without however to define completely the network topology of the claimed switching system. Consequently, it is not comprehensible how the claimed system operates and how the several sub-components, devices or elements of the systems operate together in order to form the claimed switching system. In that respect, it appears appropriate to formulate claim 11 in a way in which the constructional details of the *photo-isolator circuit*, *direct current power input terminal*, *reverse polarity detector*, *HF inverter circuit* are clearly and completely defined.

3.2 In lines 21-22 of claim 15, the sentence "...through said **remote switch**" is not clear because the **remote switch** is not defined in any of the previous lines to which said sentence refers. Moreover, also in claim 15 the network topology is not completely defined. Consequently, it is not comprehensible how the claimed system operates and how the several sub-components, devices or elements of the systems operate together in order to form the claimed switching system.

**Bescheid/Protokoll (Anlage)**

Datum
Date
Date 16.08.2006

Communication/Minutes (Annex)

Blatt
Sheet
Feuille 4

Notification/Procès-verbal (Annexe)

Anmelde-Nr.:
Application No : 02 737 178.0
Demande n°:



Bescheld/Protokoll (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

Datum
Date
Date 16.08.2006Blatt
Sheet
Feuille 3Anmelde-Nr.:
Application No
Demande n°: 02 737 178.0

4. Due to the above clarity and conciseness problem, it appears inappropriate at the present stage to assess the requirements of novelty and inventive step for claims 1-41, until a new set of concise and clear claims will be filed. However, in the light of figure 2 and pages 7-9 of the description, it appears that the claim 11 could form a valid basis for a new allowable independent claim if the above clarity problem will be obviated. In fact, document D1, which is considered at the present stage to represent the closest prior art, discloses a switching system for an electronic ballast for fluorescent lamps, which anticipates the network topology of the system defined in figure 2.
5. In the case of further prosecution of the application, the above objections should be overcome. Furthermore, the following requirements should be attended to in the amended application to be filed:
 - 5.1 To meet the requirements of Rule 29(1) (a), (b) EPC, any independent claim should define more clearly and completely the claimed subject-matter and should be properly cast in the appropriate two part form, with those features which are part of the prior art (see document D1) being placed in the preamble.
 - 5.2 The opening part of the description should be amended so that it is in agreement with the claims (as amended), Rule 27(1) (c) EPC.
 - 5.3 Reference signs should be introduced throughout the claims, Rule 29 (7) EPC.
 - 5.4 In order to indicate more completely the background art useful for understanding the invention and to meet the requirements of Rule 27(1) (b) EPC, the document D1 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
6. In amending the application care should be taken to avoid giving rise to an objection under Article 123(2) EPC by the inadvertent addition or deletion of subject-matter which extends the content of the application beyond that of the application as filed.